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*Business Competition and the Law.* By GILBERT H. MONTAGUE.  
New York: Putnam. Pp. vii+318. \$1.75.

The law of business competition is a relatively new legal subject. Though the Sherman act of 1890 dealt broadly with competitive relations, it remained for the anti-trust laws of 1914 specifically to declare unlawful "unfair methods of competition in commerce." This legislative provision merely established a standard, and there naturally has been much uncertainty as to what methods of competition are "fair" and what are "unfair." Business men, it is claimed, are eager to obey the law, but the legislative standard is too vague to serve as a safe guide in the conduct of practical affairs. Moreover, the meaning of the provisions in the Clayton act forbidding the price discrimination and "tying contracts" is not clear. This state of affairs induced the author, who as a lawyer has threshed these questions out in numerous cases, to write a book for business men—a book which would give them some idea of the nature of the readjustments in their business which the anti-trust laws made necessary. As the book was written for business men rather than for scholars, and as it was avowedly written in moments snatched from professional duties, the author asks that it be judged by that standard, and that readers excuse the many evidences of haste in preparation.

The author urges business men not to treat the anti-trust laws lightly. There is danger in adopting aggressive methods of dealing with competitors, and there is an equal danger in too harmonious relations with competitors. The prices of competitors' goods may be met and new brands may be introduced to parallel competing brands, but the emphasis must be placed on selling one's own goods, and not on preventing the sale by others of their goods. Above all, the business man must avoid any appearance of unlawful intent. The attitude of the government seems to be that "safety lies in minding your own business; and the man who begins to mind his competitor's business is inviting trouble." Great care should also be exercised in writing letters, particularly when they establish policies, for the government may get hold of them and make use of them in court proceedings. Again, exclusive dealer agreements, a pet abomination of the government, should be entered into with the greatest circumspection. The same is true of "tying contracts," which are much more common than is generally realized. A contract whereby a manufacturer of incandescent lamps agrees to supply a factory for a year with all the lamps it needs is illegal, unless this contract does not "substantially lessen competition." Even an exclusive contract to manufacture letter-boxes for Uncle Sam may be

illegal, in spite of the fact that the government is a party to the contract. Neither do patents provide a complete protection. The possession of a patent is no justification for acts which are not provided for in the patent law and which are not necessary for the protection of the patent. Even the infringement of a lawful patent does not justify a resort to unfair methods of competition. And as for trade associations, they are, generally speaking, to be avoided. Trade associations to fix prices, to pool profits, or to divide territory in respect to unpatented articles at least, are held to be as dangerous as larceny. So alert are the government and the courts that trade associations of these types are urged to give the anti-trust laws the benefit of the doubt.

While the author seems to have great respect for the energy of the Department of Justice in prosecuting the anti-trust laws, he is not in sympathy with its work. "The Attorney-General's men," he says, "not only are adepts at stripping off disguises, but are exasperatingly suspicious and cynical in their view of some very common methods of competition." The Department is accused of exercising great ingenuity in placing a sinister "interpretation" on all exclusive dealer agreements. Again, "any association activity resembling boycotting or black-listing immediately arouses . . . the prying curiosity of the United States Attorney." Such statements betoken an ill-concealed impatience with the anti-trust laws and the government's manner of enforcement. The reviewer, on the other hand, welcomes the adoption of a governmental code of salesmanship, and finds his respect for the Department of Justice and its activity increased rather than decreased by the reading of this book.

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*The Social Survey.* By CAROL ARONOVICI. Philadelphia: Harper Press, 1916. Pp. ix+255.

*Community Action through Surveys.* By SHELBY M. HARRISON. New York: Russel Sage Foundation, Department of Surveys and Exhibits, 1916. Pp. 29. \$0.10.

There is a steadily widening demand for the plain facts about the problems of our practical daily life. The muckraker has gone out of fashion; the social surveyor is his successor. The interest in social problems which the stimulating descriptions of the popular writers created has been inherited by the social investigator. All over the